

ITEM 6-A

CITY OF ALAMEDA

Memorandum

To: Honorable President and
Members of the Planning Board

From: Eric Fonstein
Development Manager

Date: Tuesday, January 15, 2013

Re: Annual Review of the City of Alameda Food Truck Program and
Recommend Adoption of Revised Food Truck Guidelines

BACKGROUND

The Planning Board and the City Council adopted a pilot Food Truck Program (program) respectively on November 28 and December 20, 2011, to be consistent with State law and to bring food trucks under local regulatory control. The program amended the Alameda Municipal Code and created Program Guidelines to regulate food trucks by establishing standard conditions of approval.

In addition to appropriate licenses (e.g., Alameda business license and County health permit), a food truck operator or organizer is required to obtain one of three permits to operate a food truck in the City, depending on the location and duration of the proposed use. At the request of the West Alameda Business Association (WABA) and Park Street Business Association (PSBA), permanent or reoccurring food truck uses on private property are restricted to specific underserved commercial areas in Alameda. The following describes this three-prong permitting process:

- A Special Event Permit (SEP) for one-time events or up to three individual events (such as block parties or street festivals occurring on consecutive days) on private property or in the public Right-of-Way.
- A Conditional Use Permit (CUP) for permanent or reoccurring food truck uses on private property, restricted to the following locations: the former Naval Air Station at Alameda Point, the College of Alameda property, the South Shore Shopping Center, and the Marina Village and the Harbor Bay Business Parks.
- An Encroachment Permit (EP) for permanent or reoccurring food truck uses in the public Right-of-Way.

This was the City's first step in regulating food trucks. As required under the program, staff is reporting back to the Planning Board after the first year of implementation with recommended adjustments for the Planning Board's consideration and approval.

DISCUSSION

The pilot program implemented a measured approach to comply with State law while protecting public safety, addressing the concerns of the business associations, and encouraging the use of food trucks as an innovative way to attract people to under-used or under-served commercial areas. The program has been considered an overall success.

During the last year, the City has issued four Encroachment Permits for food trucks to operate in the public Right-of-Way at regularly scheduled times and at specific locations. The four permitted locations are at Harbor Bay Business Park, the 700 block of Central Avenue by 8th Street, and two locations on Park Street near the South Shore Shopping Center.

The City has issued two Conditional Use Permits for the operation of regularly scheduled food truck events. The first Conditional Use Permit is for South Shore Shopping Center, on Saturdays from 11 a.m. to 3 p.m. According to South Shore's representative, the events have become an effective marketing tool. The shopping center conducted a month-long, internal analysis last October and found an average attendance of 1,400 people at the events with a significant increase in overall sales for the center's retailers. Food Trucks are also included in the Conditional Use Permit for the Flea Market, held every Saturday at the College of Alameda. The City has approached other property owners and venues, such as Rock Wall Winery, Auctions by the Bay, Marina Village Business Park, and the Harbor Bay Business Park about hosting similar events.

To date, the City has not received any complaints or negative comments about the program from business associations, existing businesses, or residents. Staff has received various requests from food truck operators to modify the program so that it is easier to operate in Alameda.

Staff recommends the following two changes to the Program Guidelines to reduce some restrictions and to address the unique circumstances at Alameda Point (see attached Revised Food Truck Program Guidelines):

- **Eliminate the annual review and renewal requirement of the Conditional Use Permit and Encroachment Permit for food trucks**—The annual renewal provision was inserted specifically for food truck use as a precautionary measure during the initial year. Eliminating the provision will streamline the process, reduce costs for operators (who will still be required to renew their annual business license and necessary health permits) and free staff resources for other tasks. All Conditional Use Permits and Encroachment Permits may be revoked by the Zoning Administrator and the Director of Public Works, respectively, if an applicant is found to be operating in a manner that is inconsistent with the conditions of approval or the program, in general.

- **On-street sites at Alameda Point may be determined on a case-by-case basis by the Public Works Director**—For on-street sites, food trucks must now be parked next to an unobstructed sidewalk of five feet or more in width. Many streets in Alameda Point’s commercial areas do not have sidewalks, yet may be suitable locations for food trucks. The proposed change would provide more flexibility in addressing the lack of food establishments at Alameda Point.

ENVIRONMENTAL REVIEW

The proposed action is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guideline Section 15305 “Minor Alterations in Land Use Limitations.”

RECOMMENDATION

Adopt the Revised Food Truck Program Guidelines.

Respectfully submitted,

Eric Fonstein
Development Manager

Attachment:

1. City of Alameda Revised Food Truck Program Guidelines.